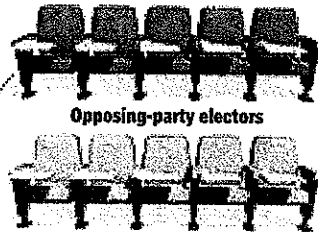
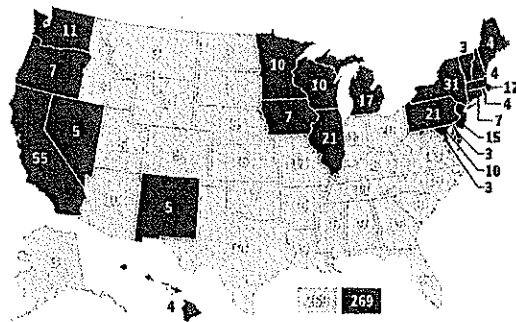
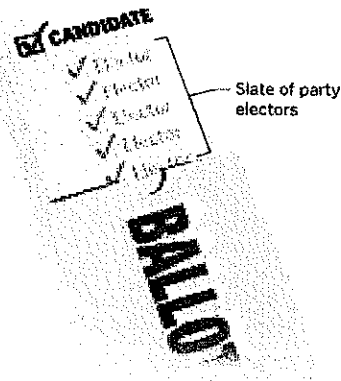
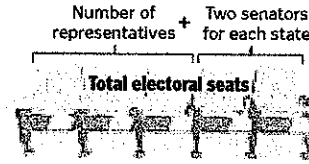


Handout 4 How the Electoral College Works

How the Electoral College Works

The electoral college system drew added attention during the last presidential race when Al Gore won the popular vote but lost the election.

- 1 Each state is allotted one elector for each U.S. representative and senator it has. Washington, D.C., receives three electors, the same number of electors as the least populous state.
- 2 Mostly, electors are nominated at state party conventions. The electors' names are given to the state's election official.
- 3 On Election Day, voters in each state cast their ballot for the slate of electors representing their choice of presidential ticket. The electors' names do not usually appear on the ballot.
- 4 The slate of electors for the presidential ticket that receives the most votes is appointed, and all the electoral votes for that state go to those candidates.*
- 5 A candidate needs to win a majority of electoral votes—270—to be elected president. If no candidate wins a majority of electoral votes (see example below), the House chooses the president and the Senate chooses the vice president.



- 6 In December, in a largely ceremonial gesture, the electors cast ballots for president and vice president and are expected to follow the popular vote of their state.
- 7 The votes are counted at a joint session of Congress, and the president officially is elected.

The candidate who wins the popular vote in a state gets all of the electoral votes.*



*Except in Maine and Nebraska, which each give two at-large delegates to whoever wins the state and the rest to whoever wins in each congressional district.

Previous Close Calls

Four times in U.S. history, the candidate who won the popular vote lost the election. In 1824, the House decided the election because no candidate won a majority of electoral votes.

✓ Elected president

**One D.C. elector abstained.

SOURCES: Congressional Quarterly's Guide to U.S. Elections, Federal Election Commission, Associated Press

Year	Candidate	POPULAR VOTE	ELECTORAL VOTE
1824	John Quincy Adams ✓	30.9%	84
	Andrew Jackson	41.3	99
	Henry Clay	13.1	37
	William H. Crawford	11.2	41
1876	Rutherford B. Hayes ✓	48.0%	185
	Samuel J. Tilden	51.0	184
1888	Benjamin Harrison ✓	47.8%	233
	Grover Cleveland	48.6	168
2000	George W. Bush ✓	47.8%	271
	Al Gore	48.4	266**



Harrison



Gore

THE WASHINGTON POST

Handout 3

Electoral College Frequently Asked Questions

- Why Did the Founders Create the Electoral College?**
- Has the Electoral College Been Changed During U.S. History?**
- How Could the Electoral College Be Changed?**
- What Does an Elector Actually Do?**
- Must Electors Vote for the Candidate Who Won Their State's Popular Vote?**
- What Happens After the Electors Cast Their Votes?**
- Where in the Constitution Is the Electoral College Described?**
- Who Selects the Electors?**
- Who Can Be an Elector?**
- How Many Electoral Votes Does Each State Have?**
- How Are the Electoral Votes for a State Awarded?**
- How Can a Candidate Lose the Popular Vote but Win the Electoral Vote?**

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Why Did the Founders Create the Electoral College?

One of the major reasons for creating the electoral college process was lack of confidence in the voters. The Founders did not think voters across the country (even though the country was much smaller at the time) would have enough information to vote intelligently in a national election. The electoral college was also seen as reflecting the system of federalism. It gave an important role to the states. Some scholars argue that the electoral college was created to give small states a voice in the election. Others say the electoral college actually helped slave states. Since each slave was counted as three-fifths of a person in establishing a state's population, white male voters in the slave states had a "louder" voice than voters in free states.

Has the Electoral College Been Changed During U.S. History?

A constitutional amendment (Amendment XII) was passed after the troubled election of 1800. The Founders did not provide for the development of political parties. Thus, the Constitution called for each elector to vote for two candidates. The candidate receiving a majority of the electoral votes would become President. The candidate receiving the second highest number of electoral votes would become Vice President. Political parties developed very rapidly, however, and candidates ran as party slates for President and Vice President. In 1800, Thomas Jefferson was the Democratic-Republican party's nominee for president. Aaron Burr was its nominee for Vice-President. Democratic-Republican electors voted for the two candidates—and they ended up tied. The election was thrown into the House of Representatives. There it took 36 ballots to resolve the issue and elect Jefferson President. Amendment XII provided that electors would cast separate votes for President and Vice President, preventing the problem of 1800 from happening again.

How Could the Electoral College Be Changed?

Abolishing the electoral college or making a change that would apply to all states would require a constitutional amendment. Article V of the Constitution describes how the Constitution can be amended. There are two ways for amendments to be proposed. Congress can propose an amendment by a two-thirds vote of both houses. Two-thirds of the state legislatures can call for a convention to propose amendments. There are also two ways for amendments to be adopted. One is by a vote of three-fourths of the state legislatures. The other is by conventions in three-fourths of the states. It is not easy to pass a constitutional amendment! Some other reforms could be made at the state level. That would not be easy, either. All the states would need to act for a reform to be adopted nationally.

What Does an Elector Actually Do?

In each state, the electors for the candidate who won the popular vote meet on the Monday following the second Wednesday of December. They meet in their state capital and cast their electoral votes. One vote is cast for President and one for Vice-President. At least one of their votes must be for someone from outside their state. This provision was designed to keep electors from voting for “favorite sons”—candidates from their home states.

Must Electors Vote for the Candidate Who Won Their State’s Popular Vote?

The Constitution does not say that electors must vote according to the results of the popular vote. However, 26 states and the District of Columbia have laws “binding” electors to vote for the candidate who won the state’s popular vote. Some state political parties also have rules requiring electors to pledge to support the party’s nominee. The Supreme Court has held that a party can require such a pledge. The Court has not ruled on state laws binding electors to vote according to the state’s election results. Most electors do vote for their state’s winner—more than 99 percent over the course of U.S. history. However, so-called “faithless” electors do pop up from time to time. In 2000, an elector for the District of Columbia cast a blank ballot, for example. In 1988, a West Virginia elector voted for the vice-presidential candidate, Lloyd Bentsen, for President.

What Happens After the Electors Cast Their Votes?

The electoral votes are sealed and sent to the President of the Senate. On January 6, he opens and reads them before both houses of Congress. A candidate must receive a majority (one over half) to be declared President. If no one obtains a majority, the U.S. House of Representatives selects the President from the top three contenders. Each state gets one vote. A majority is required to elect. The elections of 1800 and 1824 were decided in the House of Representatives. If no one receives a majority of electoral votes for Vice-President, the Senate makes the choice from among the top two contenders for that office. At noon on January 20, the President and Vice-President are sworn in.

Where in the Constitution Is the Electoral College Described?

The term electoral college is not used in the Constitution. That term seems to have come into use in the early 1800s. Article II, Section 1 of the Constitution does refer to electors. It describes their role and the process by which they vote and the votes are counted. Amendment XII, ratified on June 15, 1804, makes changes to the Constitution’s original provisions regarding the electors.

Who Selects the Electors?

The Constitution says it is up to the state legislatures to decide how electors will be chosen. The process for selecting electors therefore varies somewhat from state to state. However, the political parties usually pick the electors. They may be selected at a state convention, or the party leaders may pick them. Being picked as an elector is often a “thank you” for working hard for the party. Third-party or independent candidates usually select their electors themselves. In the nation’s early years, state legislatures picked the electors themselves. In some states, they picked electors without having a popular vote for president. South Carolina was the last state to do this. No state has done it since the Civil War. In every state, there is a slate of electors for each candidate appearing on the ballot. When citizens vote, they are actually choosing which electors will get to cast their votes in the electoral college. In the past, the electors’ names appeared on the ballot below the names of the candidates. In most states today, a short ballot is used. On the short ballot, the electors’ names do not appear at all. In some states, the ballot may say “Electors for” near the names of the presidential candidates. In other states, the electors are not mentioned. In Oregon, potential electors are selected by their parties (Republican, Democrat, etc.). They are actually elected when voters cast their ballots for the candidate of their choice. When voting in Oregon, voters are not actually voting for their favorite candidate, but for an elector who has pledged to support your favorite candidate. So in effect, the voters in Oregon elect the electors.

Who Can Be an Elector?

Article II, Section 1, Clause 2 of the Constitution says that the following people cannot serve as electors: U.S. Senators, U.S. Representatives, or any “person holding an Office of Trust or Profit under the United States.” The Fourteenth Amendment says that State officials who have engaged in insurrection or rebellion against the United States or given aid and comfort to its enemies cannot serve as electors. This provision was designed to keep Confederate officials from serving as electors after the Civil War. Anyone else can be an elector.

How Many Electoral Votes Does Each State Have?

Each state and the District of Columbia gets one electoral vote for each of its U.S. Senators and Representatives. For example, Oregon has seven electoral votes (5 representatives + 2 senators). Since every state has 2 senators no matter how many people it has, the smaller states have more electoral votes per person in the state than the larger states do. For example, California, the largest state in terms of population, has 54 electors, each of whom represents 615,848 people. Wyoming, which is the smallest state in terms of population, has 3 electors, each of whom represents only 164,594 people. The number of electoral votes can change after the census, or count of people, which is taken in years ending with 0. After the census, the 435 members of the House of Representatives are reapportioned among the states. If a state has gained population, it may gain representatives. If a state has lost population, it may lose representatives. As a state loses or gains representatives, it loses or gains electoral votes. For example, Illinois lost two representatives following the 1990 census and lost another after the 2000 census.

How Are the Electoral Votes for a State Awarded?

In 48 states and the District of Columbia, electoral votes are awarded on a winner-take-all basis. The person who gets the most votes in the state wins all of the state’s electoral votes. Maine and Nebraska award their votes differently. The candidate who gets the most votes in each U.S. House of Representatives district wins the electoral vote for that district. The remaining two electoral votes go to the overall state winner. In practice, the electoral votes of these states have not been split—the candidate who won the state won in every district. In Oregon, those elected electors convene at the State Capitol on the Monday after the second Wednesday in December following their election. They do their duty and mark their ballots. The Secretary of State looks them over to make sure that they have lived up to their pledge (voted for the person they were elected to vote for), seals the envelope and mails it to Washington, D.C.

How Can a Candidate Lose the Popular Vote but Win the Electoral Vote?

Because almost all states award their electoral votes using a winner-take-all method, a candidate can lose the popular vote but win the electoral vote. This happened in 1876, 1888, and 2000. To understand how this happened, let’s look more closely at the 2000 election results. Al Gore, the Democratic candidate, won only 20 states, but had large margins of victory in some of these states. However, those “extra” popular votes did Gore no good in terms of the electoral college. George Bush won 30 states, including many smaller states, which have more electoral votes per person than larger states. In the end, those small-state electoral votes—along with such large states as Texas and Florida—put Bush over the “top.”

Sources: Constitutional Rights Foundation,
“Who Elects the President? Understanding the Electoral College.”
Don DeFord, Oregon Secretary of State Office, Election Division, September, 17, 2012.